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## **City of Reading City Council**

### **Regular Meeting Monday, February 23, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Robert Brookins, Holy Trinity Church of God

All present pledged to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor Steve Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Maria Baez, District 5  
Councilor Waltman, District 6  
Mayor T. McMahon  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director R. Hottenstein  
Public Works Director C. Jones  
Police Chief W. Heim

#### **PROCLAMATIONS AND PRESENTATIONS**

The Council Commendation scheduled will be issued at the March 9th meeting.

#### **PUBLIC COMMENT**

Council President Spencer announced that seven citizens were registered to

address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered about the remaining speaking rules.

**Theodore Chase**, of North 10th Street, was not present.

**Peter McNeil**, of Birdsboro, was not present.

**Andrew Tyrell**, of Spring Street, was not present.

**James Caltagirone**, of Hazel Street and representing the residents of the 300 and 400 blocks of Hazel Street, requested that the Hazel Street area be tested and studied further before the tunnel project for the sewer main is approved. He stated that the residents of Hazel Street are opposed to the tunnel project, as they are concerned that this project, combined with the areas predisposition to street cave-ins, could cause considerable damage to residential properties. He reminded Council that Hazel Street has been experiencing street cave-ins for over 40 years. He also noted the need for the City to educate the affected neighborhood about the tunnel project and about the entire waste water treatment plant project.

**Ernest Schlegel**, of Pear Street, noted the opportunity the federal Stimulus Package could provide to the City of Reading. He expressed fear that the City will see this opportunity as another one-time fix and will mismanage funds, as has been done in the past. He noted that the Stimulus Package is intended to create jobs for Reading residents. He also noted the overall expectation that the PRD Ordinance will be considered by Council tonight.

**Stefan Kosikowski**, of South 11th Street, advised the body of Council that he will not be running for public office during this election cycle. He expressed the belief that those running should review campaign regulations. He described ways that past candidates have bent campaign regulations and laws.

**Cindy Olanin**, of Oley Street, distributed photographs of the Birch Tavern showing various property maintenance violations. She stated that this property has evaded the enforcement and citation process for the better part of 50 years. She stated that this property owner has a complete disregard for property maintenance regulations. She stated that the ongoing problems at this property

have damaged the values of the surrounding properties. She described a handful of the problems at this property and expressed the belief that it is time for the City to take serious enforcement action.

## **APPROVAL OF AGENDA & MINUTES**

Council President Spencer asked Council to consider the agenda for this meeting, including the legislation listed under the consent agenda heading, and the minutes from the February 9th regular meeting. He noted the need for the following amendments:

- Remove Resolution 12-2009 from the Consent Agenda, for separate consideration
- Remove the Storm Water Utility Study Award of Contract from the Consent Agenda for separate consideration
- Remove the PRD Ordinance from the Pending Agenda for Council action

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the February 9th regular meeting and the agenda, as amended, including the legislation listed on the Consent Agenda. The motion was approved unanimously.**

### **Consent Agenda**

**Award of Contract** - for civil engineering services for the new laboratory, administration and systems building for the Wastewater Treatment Plant for the Department of Public Works to Herbert, Rowland, and Grubic, Inc., at a total contract price of \$308,000 (**Purchasing**)

**Award of Contract** - for architectural services for the new laboratory, administration and systems building for the Wastewater Treatment Plant for the Department of Public Works to Seiler + Drury, 420 DeKalb Street, Norristown, PA 19401, at a total contract price of \$256,460 (**Purchasing**)

**Resolution 12-2009** - Authorizing the submission of the attached PaDEP Grantee Agreement for Bushong Mill Dam, across the Tulpehocken Creek, upstream from the confluence with the Schuylkill River (**Public Works**) ***Tabled at the Feb 9th regular meeting***

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 12-2009.**

**Resolution 12-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer  
President – 6.**

**Nay: Waltman - 1.**

**Award of Contract - for Storm Water Utility Analysis for the Public Works  
Department (Purchasing)**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to  
approve this award of contract.**

Councilor Waltman advised against approving this award of contract as the City currently mismanages several program areas, such as water billing, the housing permit program, various collections areas, etc. He questioned the City's ability to properly manage this new program.

**The motion to approve the award of contract was approved by the following  
vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner– 4.**

**Nay: Fuhs, Waltman, Spencer, President - 3.**

## **ADMINISTRATIVE REPORT**

Managing Director Hottenstein highlighted the report distributed at the meeting covering the following:

- Crime Watch Spaghetti Dinner on March 7th
- Reading Public Library's receipt of a \$49,985 grant to expand bookmobile services
- Recap of EMS billing

Councilor Fuhs noted the EMS report shows \$100,000 outstanding at the end of 2007 and \$1,000,000 outstanding at the end of 2008. He inquired about the cause of the increase in the outstanding balance. Managing Director Hottenstein stated that the gap is created as EMS billing runs one quarter behind.

Councilor Goodman-Hinnershitz requested that the report on graffiti be uploaded on the website. Managing Director Hottenstein agreed to post the graffiti report.

Councilor Waltman agreed that the recurring safety violations at the Birch Tavern need to be resolved, as the neighbors are clearly exasperated. He asked the Administration to devise a solution.

Councilor Waltman also suggested that the Administration work to include City youth in the graffiti removal program.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- 2009 Admissions Tax collection
- 2009 Real Estate Transfer Tax collections

Councilor Waltman noted the decrease in the Real Estate Transfer Tax revenue reflects both the economic crisis and the increase in housing stability in the City.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 7-2009** – increasing the salary of the Police Chief to \$108,957.13, a 4% increase, per annum retroactive to January 23, 2009 **(Managing Director)**  
***Introduced at the January 26 regular meeting, Tabled at the February 9th regular meeting.***

**Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill No. 7-2009.**

Managing Director Hottenstein stated that the Administration supports this increase due to the Chief's good performance over the past year.

Councilor Marmarou agreed that the Chief's performance warrants this increase.

Council President Spencer explained that this increase is required by the Chief's employment contract. He noted that other management personnel will not receive salary increases this year.

**Bill 7-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,  
Spencer President – 7.**

Nay: None – 0.

**Bill No. 9-2009** - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD) overlay called the “RR Riverfront Redevelopment Overlay Zoning District”) and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7th St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map **(Solicitor) Introduced at the December 8 regular meeting; public hearing held January 8; 2nd public hearing scheduled for Feb 18th at 5 p.m. in Council Chambers**

Councilor Fuhs congratulated City Council on the careful and thoughtful approach they placed on this ordinance that will affect southwest Reading. He thanked the public for their patience while Council considered the various issues. He noted concern that the language in this ordinance may disrupt commercial traffic and will harm the existing businesses in and around the PRD area. He also expressed concern that the requirement to close the public parkland area too closely resembles a gated community.

Councilor Goodman-Hinnershitz expressed her belief in the process Council used to study this issue. She noted the need to continue a careful review process that follows other local legislation and the PaMPC.

Councilor Waltman agreed with the process used by Council to consider this ordinance. He apologized for the various delays.

**Bill 9-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

## **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** – increasing the salary of the Human Resources Director to \$80,800, a 1% increase, retroactive to November 13, 2008 **(Man Dir)**

**Ordinance** - amending the FY 2006-2012 Capital Improvement Plan for the City of Reading **(Man Dir)**

Council President Spencer referred the CIP Amendment Ordinance to the Public Works Committee meeting on March 16th.

## **RESOLUTIONS**

**Resolution No. 18-2009** – Appointing Ernest Schlegel to the Park and Recreation Advisory Committee **(Admin Oversight)**

**Resolution 19-2009** – Reappointing Peter Sutliff to the Historical Architectural Review Board **(Admin Oversight)**

**Resolution 20-2009** – Reappointing James Snyder to the Downtown Improvement District Authority **(Admin Oversight)**

**The Administrative Oversight Committee moved to adopt Resolutions No. 18, 19, and 20-2009.**

Councilor Marmarou noted the exceptional talent, skill and experience of those being appointed and reappointed tonight.

Councilor Goodman-Hinnershitz commended the Administrative Oversight Committee for their work to consider the various appointment applications.

**Resolution No. 18, 19, and 20-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 5.**

**Nay: None – 0.**

**Resolution No. 21-2009** – Hiring James Kennedy as a Police Officer **(Police)**

**Resolution No. 22-2009** – Hiring Craig Chapman as a Police Officer **(Police)**

**Resolution No. 23-2009** – Hiring Derrick J. Kasprzewski as a Police Officer **(Police)**

**Resolution No. 24-2009** – Hiring Alfredo Ortiz as a Police Officer **(Police)**

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolutions No. 21, 22, 23, and 24 -2009.**

**Resolutions No. 21, 22, 23, and 24 -2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 5.**

**Nay: None – 0.**

**Resolution – Authorizing the appeal the Court of Common Pleas decision regarding the Reading Regional Airport land sale (Spencer & Waltman)**

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution No. 25-2009.**

Councilor Fuhs noted the City's history operating the airport and the Authority's and County Commissioner's lack of response to Council's questions on the proposed land sale. He stated that he will not support this resolution due to the recent Court decision. He noted his admiration for the position City Council took to uphold their fiduciary responsibility to Reading taxpayers. He also thanked Councilor Waltman for his work on this issue.

Councilor Fuhs also questioned County Commissioner Leinbach's veiled threat to one of the members of this Council. He noted the continued lack of respect the Commissioners have for the citizens of Reading.

Councilor Sterner agreed with the remarks of Councilor Fuhs. He also expressed the belief that the Commissioners should have responded to Council's questions which would have eliminated the need for litigation.

Councilor Waltman expressed the belief that the parcels targeted for sale were purchased with City taxpayer dollars for airport use. He noted that the language in the Airport Authority's Articles of Incorporation clearly eliminate the Authority's ability to sell any of the airport land. He stated that the document was drafted at a time when people were not "lawyered up" as they are today. He stated that the question of the City's legal standing has not been properly addressed. He noted that Council was not being obstructive, but just asking responsible questions. He expressed the belief that further legal review could provide the clarification on various issues.

Councilor Marmarou stated that he will support the appeal request and objected to the threatening words of Commissioner Leinbach.

Councilor Goodman-Hinnershitz stated that the process used to consider this issue was healthy and helpful but noted that it is time to move forward past the legal issues. She noted her disagreement on several issues but suggested that the City use this as a learning experience for the refinement of future agreements with the County. She also noted the need to improve communications with the Commissioners without litigation.

Council President Spencer stated that he had been questioning the further appeal of the airport litigation until he and the Mayor met with the Commissioners last week. He stated that he now believes that this decision should be appealed. He agreed that Council should question the Authority's proposed sale of land purchased using City taxpayer dollars alone. He stated that the County plans to sell this City land to offset the debt incurred by the Airport Authority. Originally Council was told that the Airport Authority had negotiated a redevelopment project for this land; however, at the meetings with the Mayor and Commissioners he learned that there is no pending deal.

Council President Spencer reminded everyone that the past Commissioners refused to assist the City with the costs of the Library unless the City gave up majority control of the Airport Authority. He also noted the Commissioners failure to live up to the Library contract which sets their payment to assist the Library operations at a minimum of \$900,000 annually.

Mayor McMahon expressed the belief that this issue should not be prolonged due to an inappropriate remark by one of the Commissioners. He asked Council to look past the problems at hand and move towards future work with the County Commissioners.

Councilor Waltman clarified that his position and belief that the land sale decision should be appealed is not based on resentment. He expressed the belief that the City never intended to see this land sold, but to retain the City's future interest in the land which is proven through the reversion clause in the accompanying paperwork.

**Resolutions No. 25-2009 was not adopted by the following vote:**

**Yea: Baez, Waltman, Spencer President – 3.**

**Nay: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner - 4.**

### **COUNCIL COMMENT**

Council President Fuhs thanked the citizens who spoke this evening. He also noted the need for a meeting with Hazel Street residents about the tunnel portion of the waste water treatment project. He asked the City Clerk to make the necessary arrangements. Councilor Goodman-Hinnershitz agreed.

Councilor Goodman-Hinnershitz announced that a meeting will be held with residents who will be affected by the upcoming water main project on Cotton Street.

Councilor Baez announced the Glenside Community Group meeting on Thursday, March 5th. She also noted the new neighborhood group meeting in the West Greenwich and Ritter Street area on March 19th. She asked citizens in this area to bring input and ideas.

Councilor Sterner agreed that the issues with the Birch Tavern need final resolution as this issue has gone on long enough. He noted the attitude of some on the Airport land sale is reminiscent of the Antietam issue.

Councilor Sterner announced the meeting of the 13th and Green Crime Watch meeting on Wednesday, February 25th.

Council President Spencer inquired if the Police Department is close to making any graffiti related arrests. Chief Heim stated that the department is still involved in the investigation phase. Council President Spencer inquired if those involved will be charged for each incidence. Chief Heim stated that the department will aggregate the crimes to increase the amount of the fine.

Council President Spencer reviewed the upcoming meeting schedule.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher CMC, City Clerk